

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARBARA SILVA, ET AL.,

Case No. C-09-03649 JCS

Plaintiffs,

ORDER TO SHOW CAUSE

v.

CITY OF SAN LEANDRO, ET AL.

Defendants.

Defendants have filed a motion for summary judgment, scheduled for hearing on October 1, 2010. The October 1 hearing date was set in the Court's Further Case Management and Pretrial Order, filed June 8, 2010. The Court's Standing Order on Motions for Summary Judgment provides as follows:

The parties shall file a joint statement of undisputed facts. If the parties are unable to reach complete agreement after meeting and conferring, they shall file a joint statement of the undisputed facts about which they do agree. Separate statements of undisputed facts shall not be filed and will not be considered by the Court.

Civil Standing Orders for Magistrate Judge Joseph C. Spero, Revised 11/03/08, ¶ 17. However, no joint statement was filed with Defendants' summary judgment motion. Instead, Defendants' counsel filed a declaration stating that Plaintiffs' counsel had failed to respond to Defendants' proposed joint statement. Consequently, on September 3, 2010, the Court issued an order for Joint Statement of Undisputed Facts, to be filed no later than September 10, 2010. Plaintiffs were cautioned that "the Court may deem any proposed fact to which Plaintiffs do not respond to be undisputed." At 4:40 p.m. on September 10, Defendants filed a declaration stating that as of that time, Plaintiffs still had not provided Defendants with a response to their proposed joint statement. In addition, Plaintiffs failed to file opposition papers on September 10, as required under Civil Local Rule 7-3 ("any opposition to a motion must be served and filed not less than 21 days before the hearing date").

1 It is HEREBY ORDERED that Plaintiffs shall appear on September 17, 2010 at 9:30 a.m.
2 before Magistrate Judge Joseph C. Spero, in Courtroom A, 15th Floor, 450 Golden Gate Avenue,
3 San Francisco, California, and then and there show cause why summary judgment should not be
4 granted in favor of Defendants as a result of Plaintiffs' failure to comply with the Local Rules and
5 the Court's orders.

6 IT IS SO ORDERED.

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8 Dated: September 13, 2010

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11 JOSEPH C. SPERO
12 United States Magistrate Judge
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